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09/881,108	06/15/2001	Hayato Yamauchi	Q64784	7294

7590 07/21/2004

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EXAMINER

JOYCE, WILLIAM C

ART UNIT	PAPER NUMBER
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/881,108
Filing Date: June 15, 2001
Appellant(s): YAMAUCHI, HAYATO

MAILED

JUL 21 2004

GROUP 3600

Stan Torgovitsky
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 28, 2004

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 3-4 not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

US 2,960,879	Lafitte	11/1960
DE 39 28 796	Schneider	3/1991

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-5 are rejected under 35 U.S.C. 102(b). This rejection is set forth in a prior Office Action, mailed on October 29/2003.

(11) Response to Argument

Applicant contends that neither Schneider, nor Lafitte, disclose or suggest the combination of features as defined by the claims. Examiner disagrees with applicant's argument for the reasons set forth below.

Applicant argues that Schneider fails to anticipate claim 1 because the right hand surface of element 26 (the stop) does not abut any of the faces of element 10 (the pinion). Referring to paragraph 5 of the section entitled "Description of Configuration Example," Schneider describes the operation of the starting device as "the pinion gear (10) is pushed up to the catch ring (26) on the drive shaft (1) and the cranking motor cranks on the internal combustion engine via the drive shaft (1)..." The prior art to Schneider teaches the claim limitation of the stop engaging an end face of the pinion.

Applicant argues that Schneider fails to anticipate claim 3 because no portion of the element (26) has one end near pinion (10) to enclose an end of the pinion shaft. Referring to Schneider, the figure clearly illustrates the pinion stop element (26) as

having an integrally formed supporting portion positioned near the pinion (10) and configured to enclose an end of the pinion shaft (1). The prior art figure to Schneider clearly illustrates the limitations of claim 3, and therefore the claim fails to define over the prior art.

Applicant argues that Lafitte fails to anticipate claim 1 because the right hand surface of element 10 (the stop) does not abut any of the faces of element 8 (the pinion). For example, referring to column 3, the first full paragraph, Lafitte discloses "In the starting stage, the helical grooves act so as to press against the cogs 6 and 7 the pinion gear 8 between the glan 1 and the stop 10..." Accordingly, Lafitte clearly teaches the stop (10) being configured to engage an end surface of the pinion (8), and therefore the claim fails to define over the prior art.

Applicant argues that Lafitte fails to anticipate claim 3 because no portion of the element (10) has one end near pinion (8) to enclose an end of the pinion shaft (3). Referring to Lafitte, Figure 1 clearly illustrates the pinion stop element (10) having an integrally formed supporting portion positioned near the pinion (8) and configured to enclose an end of the pinion shaft (3). The prior art figure to Schneider clearly illustrates the limitations of claim 3, and therefore the claim fails to define over the prior art.

Accordingly, the applicant's arguments are not considered persuasive and the Final claim rejection mailed October 29, 2003 is considered proper.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



William C. Joyce

July 19, 2004

Conferees

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